IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 6775 OF 2005

Shri. Ebrahim Haji Hussain Ghadai
and others ...Applicants

Versus

Smt. Shahida Ebrahim Ghadai & Anr ...Respondents

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Mr. R.A. Shaikh, Advocate for Applicant

Mr. Y.A. Shaikh, Adv. for Respondent No.1.

Mr.V.B. KOnde Deshmukh, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 17TH OCTOBER, 2005

P. C.:-

1. Heard the learned advocate for the applicant i.e. original accused, the learned advocate for the respondent No.1 i.e. original complainant and the learned A.P.P. for the State.

2. The applicants are seeking quashing of Criminal Case No. 104/PW/2005 which is pending before the learned M.M. 46th Court, Mazgaon, Mumbai. The said proceedings arose out of C.R. No.125 of 2005 of Agripada police station. The said proceedings is under section 498-A, 406 and 34 of I.P.C.

3. The learned advocate for the respondent No.1 i.e. original complainant states that the matter has been

amicably settled between the parties and the complainant does not wish to pursue her complaint and it is submitted on her behalf that she has no objection to the said case being quashed. Reliance is placed on the various decisions, wherein where the disputes are settled and the complainant did not wish to pursue his/her complaint, the complaint came to be quashed. The said decisions are;-

i). B.S. Joshi Vs. State of Haryana, AIR 2003 SC 1386,

ii) Fahimuddin Vs. State of U.P., AIR 1981 SC 2008(3),

iii) Judgment of the Division Bench of this Court in Cri. W.P. No. 1672 of 2002 dated 20.12.2002 (Alan Douglas Grant Vs. State of Mah.)

iv) Order dated 27.3.2001 passed by His Lordship Mr. Justice S.S. Parkar in Cri. W.P. No. 366 of 2001.

4. Looking to the fact that the complainant does not wish to pursue her complaint, I am of the opinion that this Court can consider the prayer of the applicant and quash the prosecution in the said case. Hence, case No. 104/PW/2005 pending before the learned M.M. 46th Court, Mazgaon, Mumbai and the proceedings relating thereto are quashed.

5. Application is disposed of.

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